

C/M
12/17/07In The United States District Court
For The District of Maryland

Lawrence V. Wilder

V

Marc Greidinger, et al.

MOTION "DENIED" THIS 17th DAY OF
Dec, 2007

Case Number 97-cv-2283

WILLIAM D. QUARLES, JR.
UNITED STATES DISTRICT JUDGE

2007 DEC 14 A 11:12

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLANDRequest to Vacate Decision Not Reopen Case and Reconsider

The plaintiff request that the court vacate the denial of his request and reconsider his motion. The court never requested the case file to review the matter to determine, if in fact, the case warrants subsequent fair review for errors or mistakes. The court must presume all undisputed factual allegations true and construe all reasonable inferences in favor of the plaintiff. *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974). For pro se litigants, the traditional role of the court is to examine the record to see if the plaintiff has a cause of action somewhere displayed.

The court should not dismiss a complaint unless it appears beyond that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. *Conley v. Gibson*, 335 U.S. 41, 45-46 (1957). The court should dismiss a case for failure to state a claim only if it appears beyond doubt that the plaintiff can prove no set of facts in support of it's claim which would entitle relief. *Davis v. Monroe County Board of Ed.*, 526 U.S. 629, 654 (1999). No discovery was ordered or a decision on the merits. Judge Frederick N. Smalkins mistakenly ruled that there was no basis to this complaint and failed to grant discovery, which would have proved my set of facts. He also determined, precisely, that I suffered from some kind of mental illness at the time that has substantially healed and rehabilitated. This was distinctly noted in my previous decisions that he decided, in which he called me hard to believe, but not necessarily without merit. If the plaintiff is given the ability to proceed, he will be able to prove his claim. The defendant never submitted a **certificate of interest** with the court to